APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,198	06/06/2001	Tom McGee	US 010136	9113

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EXAMINER
SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _01 September 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-25_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-25_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since

this application is eligible for continued examination under 37 CFR 1.114, and the fee

set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office

action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

10/26/05 has been entered.

Claim Objections

2.   Claim 1 is objected to because of the following informalities: In claim 1,

line 18, it appears the phrase "...for the use..." should be changed to "...for the future

use" Similar errors appear in various claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office

action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-4, 8, 10-14, 18 and 20-25 are rejected under 35 U.S.C. 102(e) as

being anticipated by **Alexander et al (6,177,931).**

As to claim 1, note the **Alexander** reference figures 1-3 and also figs.1-2 of **Yuen**

et al. WO96/07270, disclose systems and methods for displaying and recording control

interface with TV programs, video, advertising information and program scheduling

information and further discloses a method of processing a catalog of electronic

programming information including a start time and an end time of the at least one

program, the method comprising:

Obtaining (Receiver 'R' 10 'a video input source') from the at least one program a

first value (EPG data packet or Schedule data packet) representing characteristics data

of the at least one program at the start time (fig.1 and col.2, line 62-col.3, line 20), and

Storing (RAM or Memory of EPG) the first value in the catalog (col.5, lines 5-28

and col.8, lines 19-43); and obtaining from the least one program a second value

representing characteristics data of the at least one program at the end time (changed

EPG data packet or Schedule data packet (col.11, lines 9-30, line 63-col.12, line 9 and

lines 30-43); and

Storing the second value in the catalog; when a user selects the at least one

program for future use by a device with a program input (RC-26), copying the first value

and the second value to the device (col.11, lines 9-30, line 63-col.12, line 9 and lines

30-43);

Comparing (Processor) the first value and the second value to corresponding

values obtained from the program input to determine a start and stop time for the use

(col.11, lines 9-30, line 63-col.12, line 9 and lines 30-43).

As to claim 2, Alexander further discloses where the at least one program is a

carried by a video signal source (col.11, lines 9-55).

As to claim 3, Alexander further discloses where the use for the at least one

program includes the device displaying the at least one program (col.11, lines 9-28).

As to claim 4, Alexander further discloses where the use for the at least one

program includes the device recording (VCR) the at least one program (col.11, lines 9-

28).

As to claim 8, Alexander further discloses where at least one of the first value

and the second value representing characteristics data gathered from the at least one

program is generated from audio portion from one or more frames of the at least one

program (col.12, lines 33-43).

As to claim 10, Alexander further discloses where the characteristics data

gathered from the at least one program is obtained from low level features (col.12, lines

33-43).

As to claim 11, the claimed "A method of processing a catalog of electronic

programming information containing information for at least one program..." is

composed of the same structural elements that were discussed with respect to the

rejection of claim 1.

Claim 12 is met as previously discussed with respect to claim 2.

Claim 13 is met as previously discussed with respect to claim 3.

Claim 14 is met as previously discussed with respect to claim 4.

Claim 18 is met as previously discussed with respect to claim 8.

Claim 20 is met as previously discussed with respect to claim 10.

As to claim 21, the claimed "A method of processing a catalog of electronic programming information containing information for at least one program..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claims 22-23, **Alexander** further discloses a system for processing a catalog of electronic programming information, in which the catalog contains information for a program, where a start time and end time of the program is stored, in which the program is represented by characteristic data gathered from the program, the system comprising:

A video signal source of the program (Receiver 10, col.2, line 62-col.3, line 20); and

A processor operatively coupled to the video signal source, the processor coupled to an electronic programming guide, and coupled to a user selection device, and output means (see figs.1-2 of **Yuen et al. WO96/07270**); the processor configured to:

Obtain a user programming selection from the user selection device (fig.2 and col.3, lines 21-55 and col.10, line 64-col.11, line 28);

Obtain the characteristic data, program channel selection, and the start time and

the end time from the catalog (col.11, lines 9-30, line 63-col.12, line 9 and lines 30-43);

and

Monitor the video signal source at time proximal to the start time and the end

time, comparing the characteristic data generated from the video signal source; and

when the characteristic data obtained from the catalog is equivalent to the

complimentary characteristic data generated from the video signal source, set the logic

output means to TRUE, and stop performing the comparison or otherwise set the logic

output means to FALSE and continue performing the comparison on the video signal

source (col.11, lines 9-30, line 63-col.12, line 9 and lines 30-43).

As to claims 24-25, Alexander further discloses where the processor is

operatively connected to a device (VCR) for further processing the program, where a

true value for the logic output means causes the processor to turn on the device to a

channel of the program and a false value of the logic output means causes the

processor to turn off the device (col.9, line 65-col.10, line 12, col.11, lines 9-30 and line

63-col.12, line 9).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 5-7, 9, 15-17 and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Alexander et al (6,177,931)** as applied to claims 1 and 11 above,

and further in view of **Dimitrova et al (6,100,941).**

As to claim 5, Alexander further discloses using title of programs, changes in the

EPG data packet, etc., to extract schedule information of programs for recording (col.11,

lines 9-30, line 63-col.12, line 9 and lines 30-43), but fails to explicitly teach where at

least one of the first value and the second value representing characteristics data

gathered from the at least one program is signature generated by using a combination

of features from a frame of the at least one program, including signatures extracted from

DCT

However, in the same field of endeavor, **Dimitrova** discloses apparatus for

locating a commercial disposed within a video data stream and further teaches

characteristics data gathered from signature generated from a combination of features

from a frame of the broadcast (col.2, lines 10-64, col.4, line 63-col.5, line 18, line 66-

col.6, line 39, col.7, line 58-col.7, line 1+, col.14, lines 29-41 and col.17, line 50-col.18,

line 1+).

Hence it would have been obvious to one of ordinary skill in the art at the time of

the invention to incorporate the teaching of Dimitrova into the system of Alexander in

order to detect the begin/end times of a broadcast program via an analysis of various

features of the program frames to provide more accurate program detection system.

As to claims 6-7, Alexander further fails to generate characteristics data from the at least one program is a color histogram generated from a frame of at least one program and generating from closed captioning data from the frame of the program.

However, Dimitrova further teaches analysis of a color histogram generated from a program frame and also closed captioning data generated from a program frame, which is used to determine the start/stop time of a program located within a stream (col.2, lines 10-64 and col.18, line 1-35).

Hence it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Dimitrova into the system of Alexander for the same stated advantage of claim 5.

Claim 9 is met as previously discussed with respect to claim 5.

Claim 15 is met as previously discussed with respect to claim 5.

Claims 16-17 are met as previously discussed with respect to claims 6-7.

Claim 19 is met as previously discussed with respect to claim 5.

Response to Arguments

7.   Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection. The amendment to all the claims necessitated the new ground(s) of rejection discussed above. This office action is non-final.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Knudson et al (2004/0019903) disclose program guide for recording TV programs.

LaJoie et al (5,850,218) disclose inter-active program guide with default selection control.

Lawler et al (5,805,763) disclose system and method for automatically recording programs in an interactive viewing system.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300.**

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the **Electronic**

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from

a **USPTO Customer Service Representative** or access to the automated information

system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.**

Annan Q. Shang